

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ROBBIN STEWART,**

**Plaintiff,**

**vs.**

**LISA J. HOGGINS,**

**Defendant.**

**4:19CV3115**

**ORDER**

This matter is before the Court on Defendant's Motion to Compel Initial and Expert Disclosures ([Filing No. 18](#)) pursuant to Rule 26(a)(1) and (a)(2) of the Federal Rules of Civil Procedure and the Court's Case Progression Order ([Filing No. 9](#)) dated February 19, 2020. Counsel for Defendant filed an Affidavit with the Motion explaining that Plaintiff, pro se, has not served any initial mandatory disclosures, which were due on April 8, 2020, or made any expert witness disclosures, which were due on July 17 and August 17, 2020, pursuant to the Case Progression Order. Plaintiff also did not appear for the telephonic status conference on August 24, 2020, set in the Case Progression Order. (Filing No. 17). Subsequently, counsel for Defendant sent Plaintiff a letter and email on August 25, 2020. Plaintiff responded to defense counsel's email the same day and called defense counsel on August 26, 2020, wherein the parties discussed Plaintiff's "intentions with respect to case progression." Defense counsel emailed Plaintiff again on September 1, 2020, but has not received any communications from Plaintiff after their August 26, 2020, telephone call. As a result, Defendant filed the instant motion to compel on September 29, 2020. Plaintiff did not respond to this motion.

Under the circumstances, the Court finds Defendant's motion should be granted as to mandatory initial disclosures. However, the Court will not compel Plaintiff to serve expert disclosures. The deadlines to serve expert disclosures and file *Daubert* motions, as well as the deposition and written discovery deadlines, have all expired. Plaintiff did not meet the deadline to identify experts or serve expert reports and has not asked for an extension to do so. The Court will therefore consider Plaintiff to be proceeding without expert witnesses. Upon consideration,

**IT IS ORDERED:**

1. Defendant's Motion to Compel Initial and Expert Disclosures ([Filing No. 18](#)) is granted, in part. Plaintiff shall serve initial mandatory disclosures upon Defendant on or before **November 2, 2020**.
2. Plaintiff is notified that failure to serve initial disclosures by **November 2, 2020**, or failure to appear at the telephone conference set on **November 6, 2020**, at 11:00 a.m., may result in appropriate sanctions, including a recommendation that this case be dismissed for failure to comply with Court orders and failure to prosecute.

Dated this 20<sup>th</sup> day of October, 2020.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge